

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 449 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

LAXMAN MANJI CHAVDA

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR TV SHAH for Petitioner.
MR VJ DESAI for Respondent.

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/11/97

ORAL JUDGEMENT

Learned Counsel for the petitioner states that as the respondent has absorbed the petitioner in the service without back wages by a fresh order the petitioner seeks permission of this Court to withdraw this special civil application with a liberty to revive this special civil application in case the petitioner will not be continued

in service with the respondent.

2. So far as the first part of the prayer is concerned, I do not find any objection to grant the same. But I fail to see any justification in the second prayer made by the petitioner's learned counsel. If in future some other cause of action arises to the petitioner then such prayer cannot be granted in the case where the petitioner has accepted reinstatement in service without back wages as a fresh appointment out of the court. In this case the petitioner has settled the matter out of the Court and as such otherwise nothing survives in this Special Civil Application. So no such prayer can be granted.

3. First prayer made by the petitioner is accepted and this Special Civil Application is dismissed as withdrawn. Rule is discharged. Interim relief if any granted by the Court stands vacated. There shall be no order as to costs.

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